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30505	7590	07/05/2006	EXAMINER	
LAW OFFICE OF MARK J. SPOLYAR 2200 CESAR CHAVEZ STREET SUITE 8 SAN FRANCISCO, CA 94124			CASCA, FRED A	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/788,645	ROBERT FRIDAY	
	Examiner Fred A. Casca	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 April 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-43 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 37-43 is/are allowed.

6) Claim(s) 1-6, 8-25, 27-33, 35 and 36 is/are rejected.

7) Claim(s) 7, 26 and 34 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.
2. This action is in response to applicant's amendment filed on April 13, 2006. Claims 1-43 are still pending in the present application. **This Action is made FINAL.**
3. The IDS submitted contain over 100 references. The examiner has considered the references to the extent reasonably expected during normal examination time. If applicant realizes there is a particular reference or teaching particularly relevant to the claimed invention, it is requested from the applicant to provide a statement indicating such relevance and a clear identification of such reference.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-6, 8-9, 20-21, 23, 25, 27, 28, 33, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin (US Pub No. 2005/0185615 A1), in view of Lee (US Pub. No. 2002/0045424 A1), and further in view of Oyer et al (U.S. Patent No. 5,063,371).

Referring to claim 1, Zegelin discloses in a wireless network environment comprising a plurality of access elements and at least one wireless node, wherein the wireless node is operative to transmit wireless frames on a plurality of operating channels to discover access points with which to connect (Fig. 1, abstract, paragraphs 5, “association between a mobile unit and an access point is changed as mobile units move within an area having a plurality of access points”, note that each access element in a WLAN is assigned a specific channel to communicate with the wireless nodes so that there is no interference with the other access elements, hence the wireless nodes are operative to transmit frames on a plurality of channels),

a method for refreshing signal information in a wireless node location mechanism (paragraph 5, 7, 8, 16, and 17, “association between a mobile unit and an access point is changed as mobile units move within an area having a plurality of access points”, “determining direction of change of location of a mobile unit”, “signal strength”, “roaming functions”, note that the movement of the mobile units (wireless node) causes a changes in the relation between the wireless node access points, hence signal information is refreshed as movement takes place and continues), comprising receiving a request to estimate the location of a wireless node connected to a wireless network (paragraph 19, “initial decision on requesting association with an access point”); collecting signal strength values, detected at a plurality of radio receivers, corresponding to signals transmitted by the wireless node; and computing the estimated location of the wireless node based at least in part on the signal strength values detected by the plurality of radio receivers (Figures 2-3, and paragraph 17-25, “signal strengths . . . between a mobile unit and access points is determined . . . to evaluate . . . to . . . locate the mobile unit”, note that the cell controller rates access points for association based on signal strength and other factors).

Zegelin does not specifically disclose terminating the connection between the wireless node and the wireless network.

In the same field of endeavor, Lee discloses terminating the connection between the wireless node and the wireless network (paragraph 35, 64, and 65, “communication can be made only after terminating the current communication and performing a registration procedure”, “path between the previous Bluetooth access point is disconnected and communication with the new Bluetooth access point is achieved”).

It would have been obvious to one of the ordinary skills in the art at the time of invention to incorporate the teachings of Lee into that of Zegelin, and consequently providing the method of Zegelin with terminating the connection between the wireless node and the wireless network, as suggested by Lee, so that a better connection is achieved between the wireless node and the access point and consequently minimizing signal loss and disturbance.

The combination of Zegelin/Lee does not disclose terminating, responsive to the request to estimate the location, the connection between the wireless node and the wireless network.

Oyer discloses terminating, responsive to the request to estimate the location, the connection between the wireless node and the wireless network (col. 1, lines 19-54, “An

additional requirement of aircraft security systems is that RF radiation, which can interfere with aircraft communication and airport operations, be suppressed or eliminated”, note that location of wireless devices in the vicinity of sensitive zones are monitored so that any unauthorized wireless device within the sensitive zone is detected and they do not pose a threat to the security of the sensitive areas, e.g., airplanes. Thus, location of wireless devices in the vicinity of sensitive areas is monitored by requesting and receiving location information. Further, an additional security requirement for the sensitive areas is terminating RF connection between the wireless device and the network that it is connected to. Also note that the terminating of the RF connection occurs after location of a wireless device is determined (detected), and location determination occurs after location monitoring (requesting for location estimation). Hence, RF connection is terminated in response to request to estimate the location (monitoring)).

It would have been obvious to one of the ordinary skills in the art at the time of invention to incorporate the teachings of Oyer into that of Zegelin/Lee, and consequently providing terminating, responsive to the request to estimate the location, the connection between the wireless node and the wireless network, motivation being for the purpose of providing better communication channels by avoiding collisions terminating connections and reassigning channel.

Referring to claim 2, the combination of Zegelin/Lee/Oyer disclose the method of claim 1, and further disclose the computing step comprises providing the collected signal strength values to a wireless node location model that returns an estimated location for the wireless node (Zegelin, paragraphs 16-20, “computer 12 is advantageously used to enhance the association and roaming functions”, “computer 12 . . . act as a cell controller”, “association . . . rated by a cell controller”).

Referring to claim 4, the combination of Zegelin/Lee/Oyer discloses the method of claim 1, and further disclose the wireless network comprises at least one access point (Zegelin, Figure 1, “AP”).

Referring to claim 5, the combination of Zegelin/Lee/Oyer disclose the method of claim 4, and further disclose at least one of the radio receivers is an access point in the wireless network (Zegelin, Figure 1, “AP”).

Referring to claim 6, the combination of Zegelin/Lee/Oyer disclose the method of claim 1 wherein at least one of the access elements is an access point in the wireless network (Zegelin, Figure 1, “AP”).

Referring to claim 8, the combination of Zegelin/Lee/Oyer disclose the method of claim 1, and further disclose the computing step comprises identifying the access elements associated with the signal strengths to be used in locating the wireless node, selecting aspects of an RF physical model associated with the identified access element, and computing the estimated location of the wireless node using the signal strengths of the signals detected by the identified radio receivers and the selected aspects of the physical model (Zegelin, Figures 1-3, paragraphs 16-22, and paragraphs 19-23, “proximity of the mobile unit”, “relative movement of the mobile unit with respect to access point”, “sequential location determinations” “initial decision on requesting association with an access point can be based on the signal strength of the beacon signals”, “first parameter is proximity of the mobile unit”, “relative movement”, “mobile unit can detect signal strength using the RSSI function”, “decision on association may be based on selection parameters”, note that each access point (access element) transmits a beacon signal and each beacon signal delivers a corresponding signal strength value that specifies a particular RF coverage area. And since the physical locations of the access elements are known, the RF coverage area corresponds to the physical locations of the access elements are able to cover).

Referring to claim 9, the combination of Zegelin/Lee/Oyer disclose the method of claim 8 and further disclose the aspects of the RF physical model are coverage maps corresponding to respective radio receivers (Zegelin, paragraphs 19-23, “proximity of the mobile unit”, “relative movement of the mobile unit with respect to access point”, “sequential location determinations”).

Referring to claim 20, Zegelin discloses in a wireless network environment comprising a plurality of access elements and at least one wireless node, wherein the wireless node is operative to transmit wireless frames on a plurality of operating channels to discover access points with which to connect, wherein the access elements are operative to transmit responses to the wireless node (Fig. 1, abstract, paragraphs 5 and 19, “association between a mobile unit and an access point is changed as mobile units move within an area having a plurality of access points”, note that if an access point (access element) does not want to grant association to a mobile unit association can be refused, hence, the access element are operative to transmit responses to wireless nodes. Further note that each access element in a WLAN is assigned a specific channel to communicate with the wireless nodes so that there is no interference with the other access elements, hence the wireless nodes are operative to transmit frames on a plurality of channels),

a method for refreshing signal information in a wireless node location mechanism (paragraph 5, 7, 8, 16, and 17, “association between a mobile unit and an access point is changed as mobile units move within an area having a plurality of access points”, “determining direction of change of location of a mobile unit”, “signal strength”, “roaming functions”, note that the movement of the mobile units (wireless node) causes changes in the relation between the wireless node access points, hence signal information is refreshed as movement continues), comprising receiving a request to estimate the location of a wireless node connected to a wireless network (paragraph 19, “initial decision on requesting association with an access point”);

collecting signal strength values of signals transmitted between a plurality of radio receivers and the wireless node; and computing the estimated location of the wireless node based at least in part on the collected signal strength values (Figures 2-3, and paragraph 24-25, “signal strengths . . . between a mobile unit and access points is determined . . . to evaluate . . . to . . . locate the mobile unit”).

Zegelin does not specifically disclose terminating the connection between the wireless node and the wireless network.

In the same field of endeavor, Lee discloses terminating the connection between the wireless node and the wireless network (paragraph 35, 64, and 65, “communication can be made only after terminating the current communication and performing a registration procedure”,

“path between the previous Bluetooth access point is disconnected and communication with the new Bluetooth access point is achieved”).

It would have been obvious to one of the ordinary skills in the art at the time of invention by incorporating the teachings of Lee into that of Zegelin, and consequently providing the method of Zegelin with terminating the connection between the wireless node and the wireless network, as suggested by Lee, so that a better connection is achieved between the wireless node and the access point and consequently minimizing signal loss and disturbance.

The combination of Zegelin/Lee does not disclose terminating, responsive to the request to estimate the location, the connection between the wireless node and the wireless network.

Oyer discloses terminating, responsive to the request to estimate the location, the connection between the wireless node and the wireless network (col. 1, lines 19-54, “An additional requirement of aircraft security systems is that RF radiation, which can interfere with aircraft communication and airport operations, be suppressed or eliminated”, note that location of wireless devices in the vicinity of sensitive zones are monitored so that they any unauthorized wireless device within the sensitive zone is detected and they do not pose a threat to the security of the sensitive areas, e.g., airplanes. Thus, location of wireless devices in the vicinity of sensitive areas is monitored by requesting and receiving location information. Further, an additional security requirement for the sensitive areas is terminating RF connection between the wireless device and the network that it is connected to. Also note that the terminating of the RF connection occurs after location of a wireless device is determined (detected), and location determination occurs after location monitoring (requesting for location estimation). Hence, RF connection is terminated in response to request to estimate the location (monitoring)).

It would have been obvious to one of the ordinary skills in the art at the time of invention to incorporate the teachings of Oyer into that of Zegelin/Lee, and consequently providing terminating, responsive to the request to estimate the location, the connection between the wireless node and the wireless network, motivation being for the purpose of providing better communication channels by avoiding collisions terminating connections and reassigning channel.

Referring to claim 21, the combination of Zegelin/Lee/Oyer disclose the method of claim 20, and further disclose the collecting step is performed at the wireless node (Zegelin, paragraph 19).

Referring to claim 23, the combination of Zegelin/Lee/Oyer disclose the method of claim 20, and further disclose the computing step comprises providing the collected signal strength values to a wireless node location model that returns an estimated location for the wireless node (Zegelin, paragraphs 16-20, “computer 12 is advantageously used to enhance the association and roaming functions”, “computer 12 . . . act as a cell controller”, “association . . . rated by a cell controller”).

Referring to claim 25, the combination of Zegelin/Lee/Oyer discloses the method of claim 20, and further disclose the wireless network comprises at least one access point (Zegelin, Figure 1, “AP”).

Referring to claim 27, the combination of Zegelin/Lee/Oyer disclose the method of claim 20, and further disclose the computing step comprises identifying the access elements (radio receivers) associated with the signal strengths to be used in locating the wireless node; selecting aspects of an RF physical model associated with the identified radio receivers; and computing the estimated location of the wireless node using the signal strengths of the signals detected by the identified radio receivers, and the selected aspects of the physical model (Zegelin, Figures 1-3, paragraphs 16-22, and paragraphs 19-23, “proximity of the mobile unit”, “relative movement of the mobile unit with respect to access point”, “sequential location determinations” “initial decision on requesting association with an access point can be based on the signal strength of the beacon signals”, “first parameter is proximity of the mobile unit”, “relative movement”, “mobile unit can detect signal strength using the RSSI function”, “decision on association may be based on selection parameters”, note that each access point (access element) transmits a beacon signal and each beacon signal delivers a corresponding signal strength value that specifies a particular RF coverage area. And since the physical locations of the access elements are known, the RF coverage area corresponds to a physical locations of the access elements are able to cover).

Referring to 28, the combination of Zegelin/Lee/Oyer disclose the method of claim 27, and further disclose the aspects of the RF physical model are coverage maps corresponding to respective radio receivers (Zegelin, paragraphs 19-23, “proximity of the mobile unit”, “relative movement of the mobile unit with respect to access point”, “sequential location determinations”).

Referring to claim 33, Zegelin discloses an apparatus facilitating the location of a wireless node connected to a wireless network, wherein the wireless node is operative to transmit wireless frames on a plurality of operating channels to discover access points with which to connect (Fig. 1, abstract, paragraphs 5, 8 and 10, “association between a mobile unit and an access point is changed as mobile units move within an area having a plurality of access points”, note that each access element in a WLAN is assigned a specific channel to communicate with the wireless nodes so that there is no interference with the other access elements, hence the wireless nodes are operative to transmit frames on a plurality of channels), comprising a plurality of radio receivers comprising at least one antenna, the plurality of radio receivers operative to detect the strength of signals transmitted by wireless nodes and provide the detected signal strengths to a wireless node location module (Fig. 2-5, paragraphs 5, and paragraph 20, 24-25, “signal strengths . . . between a mobile unit and access points is determined . . . to evaluate . . . to . . . locate the mobile unit”, note that access points are connected to the cell controller and the cell controller performs the ratings for the access points, hence the signal strengths were detected and transmitted from access points to the cell controller); and a wireless node location module operative (Fig. 1-2, and paragraphs 5, and paragraph 20, 24-25, cell controller, computer), collect signal strength values, detected at a plurality of radio receivers, corresponding to signals transmitted by the wireless node; and compute the estimated location of the wireless node based at least in part on the signal strength values detected by the plurality of radio receivers (Figures 2-3, and paragraph 24-25, “signal strengths . . . between a mobile unit and access points is determined . . . to evaluate . . . to . . . locate the mobile unit”).

Zegelin does not specifically disclose selectively terminate the connection between the wireless node and the wireless network;

In the same field of endeavor, Lee discloses selectively terminating the connection between the wireless node and the wireless network (paragraph 35, 64, and 65, “communication can be made only after terminating the current communication and performing a registration procedure”, “path between the previous Bluetooth access point is disconnected and communication with the new Bluetooth access point is achieved”).

It would have been obvious to one of the ordinary skills in the art at the time of invention by incorporating the teachings of Lee into that of Zegelin, and consequently providing the method of Zegelin to selectively terminate the connection between the wireless node and the wireless network, as suggested by Lee, so that a better connection is achieved between the wireless node and the access point and consequently minimizing signal loss and disturbance.

The combination of Zegelin/Lee does not disclose to selectively terminate, in response to a request to estimate a location of the wireless node, the connection between the wireless node and the wireless network.

Oyer discloses to selectively terminate, in response to a request to estimate a location of the wireless node, the connection between the wireless node and the wireless network.

(col. 1, lines 19-54, “An additional requirement of aircraft security systems is that RF radiation, which can interfere with aircraft communication and airport operations, be suppressed or eliminated”, note that location of wireless devices in the vicinity of sensitive zones are monitored so that any unauthorized wireless device within the sensitive zone is detected and they do not pose a threat to the security of the sensitive areas, e.g., airplanes. Thus, location of wireless devices in the vicinity of sensitive areas is monitored by requesting and receiving location information. Further, an additional security requirement for the sensitive areas is terminating RF connection between the wireless device and the network that it is connected to. Also note that the terminating of the RF connection occurs after location of a wireless device is determined (detected), and location determination occurs after location monitoring (requesting for location estimation). Hence, RF connection is terminated in response to request to estimate the location (monitoring)).

It would have been obvious to one of the ordinary skills in the art at the time of invention to incorporate the teachings of Oyer into that of Zegelin/Lee, and consequently providing

terminating, responsive to the request to estimate the location, the connection between the wireless node and the wireless network, motivation being for the purpose of providing better communication channels by avoiding collisions terminating connections and reassigning channel.

Referring to claim 35, Zegelin discloses an apparatus facilitating the location of a wireless node connected to a wireless network, wherein the wireless node is operative to transmit wireless frames on a plurality of operating channels to discover access points with which to connect (Fig. 1, abstract, paragraphs 5, 8 and 10, “association between a mobile unit and an access point is changed as mobile units move within an area having a plurality of access points”), comprising

a communication module operative to interact with a plurality of radio receivers comprising at least one antenna, the plurality of radio receivers operative to detect the strength of signals transmitted by wireless nodes and provide the detected signal strengths to a wireless node location module (Fig. 1-5, paragraphs 5, and paragraph 20-25, “signal strengths . . . between a mobile unit and access points is determined . . . to evaluate . . . to . . . locate the mobile unit”, note that access points are connected to the cell controller and the cell controller performs the ratings for the access points, hence the signal strengths were detected and transmitted from access points to the cell controller); and a wireless node location module operative (Fig. 1-2, and paragraphs 5, and paragraph 20, 24-25, cell controller, computer), collect signal strength values, detected at a plurality of radio receivers, corresponding to signals transmitted by the wireless node; and compute the estimated location of the wireless node based at least in part on the signal strength values detected by the plurality of radio receivers (Figures 2-3, and paragraph 24-25, “signal strengths . . . between a mobile unit and access points is determined . . . to evaluate . . . to . . . locate the mobile unit”).

Zegelin does not specifically disclose selectively terminate the connection between the wireless node and the wireless network.

In the same field of endeavor, Lee discloses selectively terminating the connection between the wireless node and the wireless network (paragraph 35, 64, and 65, “communication can be made only after terminating the current communication and performing a registration

procedure”, “path between the previous Bluetooth access point is disconnected and communication with the new Bluetooth access point is achieved”).

It would have been obvious to one of the ordinary skills in the art at the time of invention by incorporating the teachings of Lee into that of Zegelin, and consequently providing the method of Zegelin to selectively terminate the connection between the wireless node and the wireless network, as suggested by Lee, so that a better connection is achieved between the wireless node and the access point and consequently minimizing signal loss and disturbance.

The combination of Zegelin/Lee does not disclose to selectively terminate, in response to a request to estimate a location of the wireless node, the connection between the wireless node and the wireless network.

Oyer discloses to selectively terminate, in response to a request to estimate a location of the wireless node, the connection between the wireless node and the wireless network (col. 1, lines 19-54, “An additional requirement of aircraft security systems is that RF radiation, which can interfere with aircraft communication and airport operations, be suppressed or eliminated”, note that location of wireless devices in the vicinity of sensitive zones are monitored so that they any unauthorized wireless device within the sensitive zone is detected and they do not pose a threat to the security of the sensitive areas, e.g., airplanes. Thus, location of wireless devices in the vicinity of sensitive areas is monitored by requesting and receiving location information. Further, an additional security requirement for the sensitive areas is terminating RF connection between the wireless device and the network that it is connected to. Also note that the terminating of the RF connection occurs after location of a wireless device is determined (detected), and location determination occurs after location monitoring (requesting for location estimation). Hence, RF connection is terminated in response to request to estimate the location (monitoring)).

It would have been obvious to one of the ordinary skills in the art at the time of invention to incorporate the teachings of Oyer into that of Zegelin/Lee, and consequently providing terminating, responsive to the request to estimate the location, the connection between the wireless node and the wireless network, motivation being for the purpose of providing better

communication channels by avoiding collisions terminating connections and reassigning channel.

Referring to claim 36, the combinations of Zegelin/Lee/Oyer disclose the apparatus of claim 35, and further disclose the communication module comprises a network interface adapter (Zegelin, Figs. 1-3, “computer”, “AP”, note that the communication module (computer) communicates with the access points, hence it comprises a network interface card).

5. Claims 10-13 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin (US Pub No. 2005/0185615 A1), in view of Lee (US Pub. No. 2002/0045424 A1), further in view of Oyer et al (U.S. Patent No. 5,063,371), and still further in view of Erskine (US Pub. No. 20040166878 A1).

Referring to claim 10, the combination of Zegelin/Lee/Oyer disclose the method of claim 9.

The combination of Zegelin/Lee/Oyer does not specifically disclose the coverage maps each comprise a plurality of location coordinates associated with corresponding signal strength values.

Erskine discloses the coverage maps each comprise a plurality of location coordinates associated with corresponding signal strength values (paragraph 66, “signal strength information to obtain the location coordinates”).

It would have been obvious to one of the ordinary skills in the art at the time the invention was made to incorporate the teachings of Erskine into that of combination of Zegelin/Lee/Oyer and consequently allowing the coverage maps of Zegelin/Lee to comprise a plurality of location coordinates associated with corresponding signal strength values, so that signal strengths are mapping to physical geographical locations are understood and observed with precision.

Referring to claim 11, the combination of Zegelin/Lee/Oyer/Erskine discloses the method of claim 10, and further disclose the coverage maps are heuristically constructed (Erskine,

paragraph 66, note that signal strength information is used to obtain the location coordinates of the wireless phone, and the location coordinates that are best fit based on the detected signal strength are found. Hence, it is inherent that the coverage maps (location coordinates) are heuristically constructed).

Referring to claim 12, the combinations of Zegelin/Lee/Oyer/Erskine disclose the method of claim 10 and further disclose the coverage maps are based on a mathematical model (Erskine, paragraph 66, “signal strength information to obtain the location coordinates”, note that location coordinates is a mathematical model).

Referring to claim 13, the combinations of Zegelin/Lee/Oyer/Erskine disclose the method of claim 1, and further disclose the wireless node implements the 802.11 protocol (Zegelin, paragraphs 2-5, “802.11”).

Referring to claim 29, the combination of Zegelin/Lee/Oyer disclose the method of claim 28.

The combination of Zegelin/Lee/Oyer does not specifically disclose the coverage maps each comprise a plurality of location coordinates associated with corresponding signal strength values.

Erskine discloses the coverage maps each comprises a plurality of location coordinates associated with corresponding signal strength values (paragraph 66, “signal strength information to obtain the location coordinates”).

It would have been obvious to one of the ordinary skills in the art at the time the invention was made to incorporate the teachings of Erskine into that of Zegelin/Lee/Oyer and consequently allowing the coverage maps of Zegelin/Lee to comprise a plurality of location coordinates associated with corresponding signal strength values, so that signal strengths are mapping to physical geographical locations are understood and observed with precision.

Referring to claim 30, the combination of Zegelin/Lee/Oyer/Erskine discloses the method of claim 29, and further disclose the coverage maps are heuristically constructed (Erskine, paragraph 66, note that signal strength information is used to obtain the location coordinates of

the wireless phone, and the location coordinates that are best fit based on the detected signal strength are found. Hence, it is inherent that the coverage maps (location coordinates) are heuristically constructed).

Referring to claim 31, the combinations of Zegelin/Lee/Oyer/Erskine disclose the method of claim 29 and further disclose the coverage maps are based on a mathematical model (Erskine, paragraph 66, "signal strength information to obtain the location coordinates", note that location coordinates is a mathematical model).

Referring to claim 32, the combinations of Zegelin/Lee/Oyer/Erskine disclose the method of claim 20, and further disclose the wireless node implements the 802.11 protocol (Zegelin, paragraphs 2-5, "802.11").

6. Claims 3, 14-17, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin (US Pub No. 2005/0185615 A1), in view of Lee (US Pub. No. 2002/0045424 A1), further in view of Oyer et al (U.S. Patent No. 5,063,371), and still further in view of well known prior art (MPEP 2144.03).

7.

Referring to claim 3, the combination of Zegelin/Lee/Oyer disclose the method of claim 2.

The combination of Zegelin/Lee/Oyer does not disclose the wireless node location model triangulates the estimated location of the wireless node based on the collected signal strength values and the locations of the plurality of radio receivers.

The examiner takes official notice of the fact that location estimation of wireless nodes via triangulating is well known in the art.

It would have been obvious to one of the ordinary skills in the art at the time the invention was made to incorporate the teachings of prior art and consequently providing the method of Zegelin/Lee to triangulate the estimated location of the wireless node based on the collected signal strength values and the locations of the plurality of access elements, for the purpose of determining an improved location estimation.

Referring to claim 14, the combinations of Zegelin/Lee/Oyer disclose the method of claim 1, and further disclose the at least one wireless node and the radio receivers are capable of operating in more than one radio frequency band (Figures 1-3, and paragraphs 16-20, and 23-25, note that the access nodes inherently operate at different frequency bands so that interference is avoided, and thus the wireless node operates in multiple frequency bands).

The combination of Zegelin/Lee/Oyer does not specifically disclose the location of the wireless node is computed based on the signal strength values detected by the radio receivers and the radio frequency band associated with the signal strength values.

The examiner takes official notice of the fact that computing location based on the signal strength values detected by the access elements is well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method claim 1 by providing computing location based on the signal strength values detected by the access elements, as is well known in the art, and consequently providing at least one wireless node and the access elements (radio receivers) to be capable of operating in more than one radio frequency band, and wherein the location of the wireless node to be computed based on the signal strength values detected by the access elements and the radio frequency band associated with the signal strength values, for the purpose of controlling radio traffic and reducing signal disturbance.

Referring to claim 15, the combinations of Zegelin/Lee/Oyer disclose the method of claim 14, and further disclose the computing step comprises identifying the radio receivers associated with the signal strengths to be used in locating the wireless node selecting aspects of an RF physical model associated with the identified radio receivers and the radio frequency band on which the signal strengths were detected by the radio receivers; and computing the estimated location of the wireless node using the signal strengths of the signals detected by the identified radio receivers, and the selected aspects of the physical model (Zegelin, paragraphs 5, 16-20, 24, “requesting association with an access point”, “RSSI”, “evaluate the merits of selecting an access point”).

Referring to claim 16, the combinations of Zegelin/Lee/Oyer disclose the method of claim 15, and further disclose the aspects of the RF physical model are coverage maps corresponding to respective radio receivers (Zegelin, Figures 1-3, paragraphs 16-22, and paragraphs 19-23, “proximity of the mobile unit”, “relative movement of the mobile unit with respect to access point”, “sequential location determinations” “initial decision on requesting association with an access point can be based on the signal strength of the beacon signals”, “first parameter is proximity of the mobile unit”, “relative movement”, “mobile unit can detect signal strength using the RSSI function”, “decision on association may be based on selection parameters”).

Referring to claim 17, the combination of Zegelin/Lee/Oyer disclose the method of claim 16, and further disclose the coverage maps each comprise a plurality of location coordinates associated with corresponding signal strength values (Zegelin, Figures 1-3, paragraphs 16-22, and paragraphs 19-23, “proximity of the mobile unit”, “relative movement of the mobile unit with respect to access point”, “sequential location determinations” “initial decision on requesting association with an access point can be based on the signal strength of the beacon signals”, “first parameter is proximity of the mobile unit”, “relative movement”, “mobile unit can detect signal strength using the RSSI function”, “decision on association may be based on selection parameters”).

Referring to claim 22, the combination of Zegelin/Lee/Oyer disclose the method of claim 20.

The combination of Zegelin/Lee does not specifically disclose signal strength values are measured at the access elements.

The examiner takes official notice of the fact that measuring signal strength values at an access element is well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to incorporate the teachings of well known prior art into the method of Zegelin/Lee/Oyer and consequently providing signal strength values to be measured at the access elements, for the purpose of having another source for measuring signal strength.

Referring to claim 24, the combination of Zegelin/Lee/Oyer disclose the method of claim 23.

The combination of Zegelin/Lee/Oyer does not disclose the wireless node location model triangulates the estimated location of the wireless node based on the collected signal strength values and the locations of the plurality of access elements.

The examiner takes official notice of the fact that location estimation of wireless nodes via triangulating is well known in the art.

It would have been obvious to one of the ordinary skills in the art at the time the invention was made to incorporate the teachings of prior art and consequently providing the method of Zegelin/Lee/Oyer to triangulate the estimated location of the wireless node based on the collected signal strength values and the locations of the plurality of access elements, for the purpose of determining an improved location estimation.

8. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin (US Pub No. 2005/0185615 A1), in view of Lee (US Pub. No. 2002/0045424 A1), further in view of Oyer et al (U.S. Patent No. 5,063,371), still further in view of Erskine et al (US Pub. No. 2004/0166878 A1), and still further in view of well known prior art (MPEP 2144.03).

Referring to claim 18, the combination of Zegelin/Lee/Oyer/Erskine disclose the method of claim 17.

The combination of Zegelin/Lee/Oyer does not disclose the coverage maps are heuristically constructed.

Erskine discloses the coverage maps are heuristically constructed (paragraph 66, note that signal strength information is used to obtain the location coordinates of the wireless phone, and the location coordinates that are best fit based on the detected signal strength are found. Hence, it is inherent that the coverage maps (location coordinates) are heuristically constructed).

It would have been obvious to one of the ordinary skills in the art at the time the invention was made to incorporate the teachings of Erskine into that of Zegelin/Lee and consequently allowing the coverage maps of Zegelin/Lee to comprise a plurality of location

coordinates associated with corresponding signal strength values, so that signal strengths are mapping to physical geographical locations are understood and observed with precision.

Referring to claim 19, the combination of Zegelin/Lee/Oyer/Erskine disclose the method of claim 17.

The combination of Zegelin/Lee/Oyer does not disclose the coverage maps are based on a mathematical model.

Erskine discloses the coverage maps are based on a mathematical model (paragraph 66, “signal strength information to obtain the location coordinates”, note that location coordinates is a mathematical model).

It would have been obvious to one of the ordinary skills in the art at the time the invention was made to incorporate the teachings of Erskine into that of Zegelin/Lee and consequently allowing the coverage maps of Zegelin/Lee to be based on a mathematical model, so that signal strengths are mapping to physical geographical locations are understood and observed with precision.

Allowable Subject Matter

9. Claims 7, 26, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 37-43 are allowed.

The following is the examiner's statement of reasons for allowance:

References Zegelin (US Pub No. 2005/0185615 A1), Lee (US Pub. No. 2002/0045424 A1), Oyer et al (U.S. Patent No. 5,063,371), and Erskine et al (US Pub. No. 2004/0166878 A1) are made of record as disclosing the art of location determination and location updating in a wireless network comprising access points, wireless nodes, control modules, RF signaling triangulation and location estimation techniques. However, none of the cited prior art discloses, teaches or suggests directly or indirectly “appending a signal strength value to frames received from wireless nodes; and storing signal strength data appended to frames transmitted by the

plurality of access elements in association with wireless node identifiers" in combination with other elements of the claims.

Response to Arguments

11. Applicant's arguments with respect to claims 1-6, 8-25, 27-33, and 35-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McNew (US 2004/0029559 A1) discloses location updating in a wireless system.

Gray et al (US 2003/0043073 A1) discloses location monitoring and detection and estimation in a wireless network.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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